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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,
21 Plaintiff,
22 v.
23 UBER TECHNOLOGIES, INC.,
24 OTTOMOTTO LLC; OTTO TRUCKING LLC,
25 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF THEIR SUR-REPLY
TO PLAINTIFF WAYMO LLC'S
MOTION FOR PRELIMINARY
INJUNCTION, SUPPORTING
DECLARATIONS, AND EXHIBITS
THERE TO**

Trial Date: October 2, 2017

1 In accordance with Civil Local Rules 7-11 and 79-5, and General Order No. 62,
 2 Defendants Uber Technologies, Inc., Ottomotto LLC, and Otto Trucking LLC (“Defendants”)
 3 submit this motion for an order to file under seal the confidential, unredacted versions of the
 4 following documents:

5 1. Portions of Defendants’ Sur-Reply to Plaintiff Waymo LLC’s Motion for
 6 Preliminary Injunction (“Sur-Reply”);

7 2. Portions of the Supplemental Declaration of Michael Lebby in Support of
 8 Defendants’ Sur-Reply to Plaintiff Waymo LLC’s Motion for Preliminary Injunction (“Lebby
 9 Declaration”)

10 3. Portions of the Supplemental Declaration of Scott Boehmke in Support of
 11 Defendants’ Sur-Reply to Plaintiff Waymo LLC’s Motion for Preliminary Injunction (“Boehmke
 12 Declaration”)

13 4. Portions of the Supplemental Declaration of James Haslim in Support of
 14 Defendants’ Sur-Reply to Plaintiff Waymo LLC’s Motion for Preliminary Injunction (“Haslim
 15 Declaration”)

16 5. Portions of the Supplemental Declaration of Esther Chang in Support of
 17 Defendants’ Sur-Reply to Plaintiff Waymo LLC’s Motion for Preliminary Injunction (“Chang
 18 Declaration”)

19 6. Entirety of Exhibit 2 to the Lebby Declaration and Exhibit 15 to the Chang
 20 Declaration

21 7. Portions of Exhibit 26 to the Lebby Declaration

22 8. Entirety of Exhibit 27 to the Lebby Declaration

23 9. Entirety of Exhibits A, B, C, and D to the Boehmke Declaration

24 10. Portions of Exhibit E to the Boehmke Declaration

25 11. Entirety of Exhibit A to the Haslim Declaration

26 12. Portions of Exhibit B to the Haslim Declaration

27 13. Entirety of Exhibit 11 to the Chang Declaration

28 14. Portions of Exhibits 12 and 14 to the Chang Declaration

1 Some of the redacted portions of the Sur-Reply, Lebby Declaration, Boehmke
2 Declaration, Haslim Declaration, Exhibit E to the Boehmke declaration, Exhibit B to the Haslim
3 Declaration, Exhibit 26 to the Lebby Declaration, and Exhibit 14 to the Chang Declaration
4 discuss Uber's proprietary and highly confidential designs for Uber's custom LiDAR system.
5 These portions are highlighted in blue on the unredacted copies of the documents. The design of
6 Uber's custom LiDAR system is an Uber trade secret which, if made public, would cause Uber
7 irreparable harm in this very competitive space of autonomous driving. (Declaration of Michelle
8 Yang In Support of Defendants' Administrative Motion to File Documents Under Seal ("Yang
9 Decl.") ¶ 3.)

10 The entireties of Exhibits A, B, C, and D to the Boehmke Declaration contain defendants'
11 technical, proprietary trade secret information, which is highly confidential. Exhibits A and B are
12 emails discussing the development of a proprietary design, and Exhibits C and D are detailed
13 charts of design and performance specifications. If this information was made public, it could
14 irreparably harm Defendants. (Yang Decl. ¶ 4.)

15 The entirety of Exhibit A to the Haslim Declaration likewise contains highly confidential
16 trade secret information. Exhibit A is an email that discusses the development of a confidential
17 design. If this information was made public, it could irreparably harm Defendants. (Yang Decl.
18 ¶ 5.)

19 The entireties of Exhibits 11 and 15 to the Chang Declaration likewise contain highly
20 confidential trade secret information. Exhibit 11 is a presentation regarding Uber's highly
21 confidential detailed market strategy and Exhibit 15 is an expert witness deposition discussing
22 proprietary trade secrets. If this information was made public, it could irreparably harm
23 Defendants. (Yang Decl. ¶ 6.)

24 I understand that these trade secrets are maintained as confidential by Uber and are
25 valuable as trade secrets to Uber's business. The public disclosure of this information would give
26 Uber's competitors access to in-depth descriptions and analysis of Uber's detailed market strategy
27 information. If such information were made public, I understand Uber's competitive standing
28 could be significantly harmed. (Yang Decl. ¶ 7.)

1 Some of the highlighted portions of the Sur-Reply, the Lebby Declaration, the Haslim
 2 Declaration, the Chang Declaration, Exhibit 26 to the Lebby Declaration, Exhibits 12 and 14 to
 3 the Chang Declaration, and the entirety of Exhibit 27 to the Lebby Declaration have been
 4 designated by Waymo as either confidential or highly confidential. Waymo's designations are
 5 highlighted in green in the unredacted copies of the declarations and exhibits. (Yang Decl. ¶ 8.)

6 The entirety of Exhibit 2 of the Lebby Declaration and Exhibit 15 to the Chang
 7 Declaration contain highly confidential information. Exhibit 2 to the Lebby Declaration and
 8 Exhibit 15 to Chang Declaration are excerpts the deposition transcript of Waymo's expert witness
 9 discussing both Uber confidential trade secret information and Waymo's alleged trade secrets
 10 regarding sensor design. The entirety of the expert witness's deposition transcript has been
 11 designated "Highly Confidential – Attorneys' Eyes Only" until the parties can exchange
 12 confidentiality designations. (Yang Decl. ¶ 9.)

13 Pursuant to Civil Local Rule 79-5(d)(2), Defendants will lodge with the Clerk the
 14 documents at issue, with accompanying chamber copies.

15 Defendants served Waymo with this Administrative Motion to File Documents Under
 16 Seal on April 28, 2017.

17 For the foregoing reasons, Defendants request that the Court enter the accompanying
 18 Proposed Order granting Defendants' Administrative Motion to File Documents Under Seal and
 19 designate the service copies of these documents as "HIGHLY CONFIDENTIAL –
 20 ATTORNEYS' EYES ONLY."

21 Dated: April 28, 2017

MORRISON & FOERSTER LLP

22
 23 By: /s/Arturo J. González
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24 Attorneys for Defendants
 25 UBER TECHNOLOGIES, INC.,
 26 OTTOMOTTO LLC, and OTTO TRUCKING LLC
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